

Regulations of Connecticut State Agencies

TITLE 22a. Environmental Protection

Agency

Department of Environmental Protection

Subject

Qualifications of Operators and Inspectors of Resources Recovery Facilities

Section

§ 22a-231-1

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Qualifications of Operators and Inspectors of Resources Recovery Facilities

Sec. 22a-231-1. Qualifications of operators of resources recovery facilities

(a) Definitions.

“Certificate” means certificate of competency issued by the Commissioner stating that the operator has met the requirements for the specified operator classification of the certification program.

“Chief operator” means an individual who is in direct charge of the operation of a resources recovery facility and who is responsible for on-site, overall supervision, technical direction, management and performance of the facility.

“Owner” means the person in possession of or having legal ownership of the resources recovery facility.

“Permitted capacity” means the capacity of a resources recovery facility permitted pursuant to section 22a-208 of the General Statutes.

“Person” means any individual, firm, partnership, association, syndicate, company, trust, corporation, municipality, agency or political or administrative subdivision of the state, or administrative subdivision of the state, or other legal entity of any kind.

“Resources recovery facility” means a facility utilizing processes aimed at reclaiming the material or energy values from municipal solid wastes: A Type 1 resources recovery facility is a facility permitted pursuant to section 22a-208 of the General Statutes which reduces the volume of solid waste by material reclamation; a Type 2 resources recovery facility is a facility permitted pursuant to section 22a-208 of the General Statutes which reduces the volume of solid waste by energy value reclamation; and a Type 3 resources recovery facility is a facility permitted pursuant to section 22a-208 of the General Statutes which reduces the volume of solid waste by both material and energy value reclamation.

“Shift operator” means the individual who is in direct charge of the operation of a shift of a resources recovery facility and who is responsible for on-site supervision, technical direction, management, and overall performance of the facility during a shift.

(b) Applicability.

(1) The owner and operators of Type 1 resources recovery facilities shall be subject to the requirements of subsections 22a-209-6 (a), (b) and (c), inclusive, of the Regulations of Connecticut State Agencies and the owner and chief and shift operators of Type 2 resources recovery facilities shall be subject to this section. For a Type 3 resources recovery facility the owner and operators of the materials reclamation operation shall be subject to the requirements of subsections (a), (b) and (c) of section 22a-209-6 of the Regulations of Connecticut State Agencies and the owner and chief and shift operators of the energy value reclamation operation shall be subject to this section.

(2) Any operator certified pursuant to subsections (a), (b) and (c) of section 22a-209-6 of the Regulations of Connecticut State Agencies for a Type 2 resources recovery facility or an operation which reduces the volume of solid waste by energy reclamation shall be subject to this section and shall apply for certification within ten days of the effective date of this section. Certification pursuant to subsection 22a-209-6 (b) shall be valid for no more

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than ninety days following the effective date of this section. Failure to apply shall cause forfeiture of certification pursuant to subdivision (4) of subsection 22a-209-6 (b).

(c) General Policies.

(1) Each owner of a Type 2 or the energy value reclamation operation of a Type 3 resources recovery facility permitted pursuant to section 22a-208 of the General Statutes shall employ a chief operator who shall possess a certificate which qualifies him or her to operate a facility of that class, and who shall be on-site for supervision for a minimum of 65% of the normal work year, and who shall be directly responsible for the operation of the facility. Where shift operation of a facility occurs, each shift shall have the on-site supervision of a shift operator who is certified for the operation of a facility of that class. For no more than ninety days following the effective date of this section, such operation or facility may operate with individuals certified under subsection 22a-209-6 (b) provided that each shift has on-site supervision of a certified operator 100% of the time.

(2) Operators with a particular class certificate are qualified to operate all resources recovery facilities in that particular class and any lower class.

(3) The owner of a resources recovery facility must file the name of each certified chief and certified shift operator with the Commissioner. The owner may replace any certified chief or certified shift operator with another properly certified individual at any time and shall notify the Commissioner in writing within ten days of the replacement.

(4) In the event that a resources recovery facility loses services of or terminates its certified chief operator, the owner must notify the Commissioner immediately. The facility may continue to operate without a certified chief operator for a maximum of ninety days. For good cause shown, the Commissioner may allow the facility to operate without a chief operator for a stated period beyond the ninety day period.

(5) Where shift operation of a resources recovery facility is required, each shift which does not have the on-site supervision of the certified chief operator shall have the on-site supervision of a certified shift operator. During operation a resources recovery facility shall have the on-site supervision of a certified operator 100% of the time.

(d) Classification of resources recovery facilities.

The Commissioner shall classify a Type 2 resources recovery facility and the energy value reclamation operation of a Type 3 resources recovery facility according to the following:

(1) a Class 1 facility is a facility with a permitted capacity of more than 600 tons per day; and

(2) a Class 2 facility is a facility with a permitted capacity of equal to or less than 600 tons per day.

(e) Qualifications of resources recovery facility operators.

(1) There shall be two classes of operators consistent with the classification of resources recovery facilities described in subsection (d) of this section.

(2) Applicants in the two classifications shall meet the following general requirements:

(A) be in satisfactory physical condition to the extent deemed necessary by the

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Commissioner in order to perform the duties of a certified chief or certified shift operator;

(B) be able to communicate both orally and in writing to the extent deemed necessary by the Commissioner in order to perform the duties of a certified chief or certified shift operator;

(C) produce evidence of satisfactory completion of educational requirements;

(D) be able to maintain necessary logs and records of operation and maintenance in a resources recovery facility of the class for which the application was made; and

(E) produce evidence satisfactory to the Commissioner of ability and experience in supervising workers and dealing with regulatory agencies and the public to a degree consistent with the requirements of the class for which the application was made.

(3) Requirements.

(A) Class I Chief Operator.

The qualifications of a Class I Chief Operator shall be education, training and practical experience consisting of at least four years of higher education in a field which the Commissioner determines is sufficiently related to the operation of a resources recovery facility and not less than two years of experience satisfactory to the Commissioner having responsibility for the on-site supervision of the operation of a Class I resources recovery facility.

(B) Class II Chief Operator.

The qualifications of a Class II Chief Operator shall be education, training and practical experience consisting of at least three years of higher education in a field which the Commissioner determines is sufficiently related to the operation of a resources recovery facility and not less than one year of experience satisfactory to the Commissioner having responsibility for the on-site supervision of the operation of a Class II resources recovery facility.

(C) Class I Shift Operator.

The qualifications of a Class I Shift Operator shall be education, training and practical experience consisting of a high school diploma or its equivalent and not less than two years of experience satisfactory to the Commissioner in the operation of a Class I resources recovery facility.

(D) Class II Shift Operator.

The qualifications of a Class II Shift Operator shall be education, training and practical experience consisting of a high school diploma or its equivalent and not less than one year of experience satisfactory to the Commissioner in the operation of a Class I or Class II resources recovery facility.

(4) Substitutions for formal education requirements.

Classes I and II Chief Operator qualifying substitution is one year of experience acceptable to the Commissioner having responsibility for the on-site supervision of a boiler plant operation with a capacity of at least 100,000 pounds of steam per hour at a minimum of 150 psig and at least 20 degrees F of superheat may be substituted for one year of higher education.

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(5) Substitutions for experience requirements.

(A) Class I Chief Operator qualifying substitution is two years of related experience approved by the Commissioner can be substituted for one year experience in the on-site supervision of a Class I resources recovery facility;

(B) Class II Chief Operator qualifying substitution is two years of related experience approved by the Commissioner can be substituted for one year experience in the on-site supervision of a Class II resources recovery facility;

(C) Classes I and II Shift Operator qualifying substitution is two years of related experience approved by the Commissioner can be substituted for one year experience in the actual operation of a resources recovery facility;

(D) Experience applied in substitution for an education requirement cannot also be applied to the experience requirement.

(f) Application for certification.

(1) Any person desiring to be certified shall file an application on forms prescribed and provided by the Commissioner. The Commissioner shall acknowledge receipt of a complete application to the applicant within fourteen days by certified mail.

(2) The Commissioner shall review applications and supporting documents, determine the eligibility of the applicant and notify the applicant of his or her status in writing by certified mail within sixty days of acknowledgement of receipt of a complete application. When the applicant is not notified within sixty days, the applicant shall be considered denied unless otherwise notified by the Commissioner.

(3) Within twenty days of receipt of notification that an application has been denied or after sixty days from acknowledgement of a complete application without notification of status, the applicant may request a hearing, and such hearing shall be held if requested. The hearing shall be conducted in accordance with Chapter 54 of the General Statutes and section 22a-3a-1 of the Regulations of Connecticut State Agencies.

(g) Examinations and instruction.

(1) The Commissioner may require the successful completion of instruction or examination or both in solid waste management and related pollution controls to maintain certification. Instruction may consist of on-the-job or classroom instruction, or a combination of both and examination may be written or oral, or a combination of both.

(2) The Commissioner shall give at least thirty days prior notice of the date, time, place and subject matter of the instruction or examination.

(3) If necessary, separate instruction or examinations may be prepared to account for basic differences in the duties and responsibilities.

(h) Issuance of certificate.

(1) Upon satisfactory fulfillment by an applicant of the requirements of this section, the Commissioner shall issue to the applicant a certificate designating his or her competency. The certificate shall indicate the class and type of resources recovery facility for which the operator is certified. The certificate shall be prominently displayed in the office of the facility.

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(2) Valid certificates shall be subject to renewal every five years from the date of issuance. Any certified chief or shift operator employed as such less than three years in the first five years of certification or in any five year renewal period thereafter shall forfeit certification status.

(3) Certificates may be issued in a comparable classification to a person holding a current certificate issued by a jurisdiction other than the State of Connecticut if in the judgment of the Commissioner the requirements for certification of operators under which such person's certificate was issued are at least equivalent with the provisions of this section.

(4) Upon written request of the owner of a resources recovery facility, the Commissioner may issue a provisional certificate of proper classification to a person who is a chief operator or shift operator on the effective date of this section and who does not meet the minimum requirements of subsection (e). Such a provisional certificate shall be valid for no more than ninety days for the facility in which the operator was employed at the time the certificate was issued.

(i) Revocation of certificate.

The Commissioner may revoke the certificate of an operator when it is determined that the operator obtained a certificate through fraud, deceit or the submission of inaccurate data on qualifications; has practiced fraud or deception in the performance of his or her duties; that reasonable care, judgment or the application of his or her knowledge or ability was not used in the performance of his or her duties. The Commissioner shall give prior written notice of revocation to the certified operator and the owner of the resources recovery facility setting forth the reasons for the Commissioner's proposed action. Within twenty days of receipt of notification the operator may request a hearing, and such hearing shall be held if requested. The hearing shall be conducted in accordance with Chapter 54 of the General Statutes and section 22a-3a-1 of the Regulations of Connecticut State Agencies.

(j) Advisory committee.

(1) The Commissioner shall appoint an advisory committee not exceeding nine persons: Three members shall be chief or shift operators; two shall be members of the staff of the Department of Environmental Protection whose regular duties involve solid waste facility operation; one shall be an educator familiar with operating training; and one shall be a designer of resources recovery facilities. Any other member shall be appointed at the discretion of the Commissioner. The lack of a fully constituted committee shall not invalidate any requirement or provision of this section.

(2) Each member of the committee, with the exception of the members from the Department, who shall serve at the discretion of the Commissioner, shall be appointed for a three year term, except in the case of the initial appointment. For the initial appointment, one of the operators shall be appointed for two years, one of the operators and the educator shall be appointed for one year. The individual members of the advisory committee, with the exception of the representatives of the Department of Environmental Protection, shall serve no more than two consecutive three year terms. The committee may adopt and amend by a majority vote such by-laws as it deems necessary to conduct its business.

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(3) The advisory committee shall serve without compensation and shall meet at the discretion of the Commissioner.

(4) The committee shall advise and assist the Commissioner in administering the certification program in the following manner as requested:

- (A) review the classification of the solid waste facilities;
- (B) encourage other operators in addition to those required by virtue of their responsibilities as chief or shift operators to become certified;
- (C) promote regular solid waste facilities operator training schools and programs;
- (D) review and assist in the preparation of written or oral examinations;
- (E) review revocations of certificates;
- (F) review applicant qualifications.

(Effective March 23, 1988)